



**MCI Communications
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EX PARTE OR LATE FILED

January 28, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION


Re: EX PARTE -- CC Docket No. 00-4: Application of SBC Communications Inc.
Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide
InterLATA Services in Texas

Dear Ms. Salas:

On January 27, 2000, Don Price, Jason Wakefield, Marsha Emch, Terri McMillon (by telephone), Sherry Lichtenberg and the undersigned, all of MCI WorldCom, Inc. and Jerry Epstein and Marc Goldman of Jenner and Block met with Rhonda Lien, Josephine Scarlett, Claudia Fox, Claire Blue, Jessica Rosenworcel, Margaret Egler, Jon Reel, John Stanley, Bill Agee, Neil Fried, Daniel Shiman, Doug Galbi, Bill Dever, Audrey Wright and Jake Jennings of the Common Carrier Bureau to discuss the pending application of SBC Communications Inc. (SBC) to offer in-region long distance services in the State of Texas. During the meeting, we discussed the key issues that prevent MCI WorldCom from fully competing for customers in the State of Texas, as explained in the attached document, which was distributed at the meeting. We stated that the Commission should not allow SBC to offer in-region long distance in Texas before SBC resolves these practical business issues.

In accordance with section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, an original and one copy of this Notice and attachment are being filed with your office.

Sincerely,


Keith L. Seat

cc: Rhonda Lien; Josephine Scarlett; Claudia Fox; Claire Blue; Jessica Rosenworcel; Margaret Egler; Jon Reel; John Stanley; Bill Agree; Neil Fried; Daniel Shiman; Doug Galbi; Bill Dever; Audrey Wright; Jake Jennings

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**MCI WORLDCOM LIST OF
PRIMARY BARRIERS TO RESIDENTIAL ENTRY IN TEXAS**

MCI WorldCom intends to begin offering limited UNE-Platform (“UNE-P”) service in Texas in the near future, but its planned entry will be quite circumscribed in scope and volume because of significant known defects in SWBT’s OSS, and because of a high risk of discovering additional SWBT OSS problems not revealed by the inadequate “third party” test of SWBT’s OSS. MCI WorldCom does not envision a meaningful level of competition in the residential market in Texas until these OSS barriers are removed. Under current conditions a commercial-scale launch of UNE-P in Texas is an unacceptable risk to MCI WorldCom because of the following concerns.

- I. SWBT’S OSS DOES NOT PROVIDE CLECS PARITY OR A MEANINGFUL OPPORTUNITY TO COMPETE
 - A. SWBT’s OSS Contains Fundamental Systemic Flaws That Will Prevent Commercial Scale Entry Using Unbundled Elements
 1. SWBT Does Not Offer A Pre-order Interface That Can Be Fully Integrated with an Order Interface
 - a) SWBT Fails to Offer Parsed CSRs
 - b) SWBT’s Address Databases Contain Mismatches
 - c) SWBT Requires Population of a Service Address on Every Order
 2. SWBT’s Process of Creating Three Service Orders from Every LSR Creates an Unnecessary Risk of Lost Dial Tone and Double Billing
 3. SWBT’s LIDB Process Is Inadequate
 4. SWBT Is Unable to Receive Electronic Trouble Tickets Until Orders Have Posted
 5. SWBT Relies On Too Much Manual Processing During Ordering and Provisioning
 - a) SWBT Manually Returns Too Many Rejects
 - b) SWBT Manually Processes Many Important Types of Supplemental Orders, Partial Migrations, Suspend and Restore Orders, and Coordinated Cutovers
 - c) SWBT’s “Folders” System Exacerbates Problems with Manual Processing

6. SWBT's Process of Coordinated Cutovers Is Fraught With Problems
 7. SWBT Fails to Provide Any Means for CLECs to Relate Orders Downstream
 8. SWBT's OSS Contains Other Systemic Deficiencies
- B. SWBT's OSS Is Not Operationally Ready
1. The Telcordia Test Fails to Show the Readiness of SWBT's OSS
 2. SWBT's Performance Data Fails to Show SWBT's OSS Is Ready
- II. SWBT IS NOT PROVIDING COMPETITORS WITH TIMELY AND NONDISCRIMINATORY ACCESS TO LOOPS CAPABLE OF FUNCTIONING WITH DIGITAL SUBSCRIBER LOOP ("DSL") TECHNOLOGY
- A. SWBT's Performance on Provisioning xDSL-Capable Loops Is Discriminatory
- B. SWBT Is Not Currently Providing Competitors with Access to Loop Makeup Information That Is Equivalent to That Which Its Own Representatives Receive
- C. SWBT Has Not Demonstrated That It Is Capable of Complying with the Commission's Spectrum Management and Line Sharing Requirements or with the Subloop Unbundling Requirements in the Texas DSL Arbitration Award
- D. All DSL-Related Rates Are Interim and Being Appealed by SWBT
- III. SWBT IMPOSES GLUE CHARGES AND LOST PROFITS CHARGES THAT ARE NOT COST-BASED AND THAT CREATE SERIOUS IMPEDIMENTS TO RESIDENTIAL AND SMALL BUSINESS SERVICES COMPETITION
- IV. SWBT HAS NOT YET ELIMINATED ADDITIONAL AND SUBSTANTIAL BARRIERS TO ENTRY
- A. Inadequate Performance Remedy Plan
- B. SWBT's Provision of UNEs to CLECs Must Include the Same Level of Protection from Third Party Intellectual Property Claims That SWBT Obtained When It Purchased the Elements

January 26, 2000

MCI WORLDCOM EXAMPLES OF PROBLEMS IN TEXAS THAT DID NOT EXIST IN NEW YORK

Following is an illustrative list of SWBT problems and issues that negatively impact competition in Texas that did not exist in New York when the FCC granted section 271 authority to Bell Atlantic.

- Lack of Fully Integratable Pre-Order and Order Interface
 - Unable to get Customer Service Records in parsed format to avoid excessive re-keying
 - Required to send full service address on every order, even when information not needed
 - Improper rejects of competitors' orders from SWBT's internal databases containing conflicting address data
- Loss of dial tone from breaking orders into three parts
- Competitors cannot use the LSR process to update customer records (LIDB) after initial order
- Trouble-tickets are manual during critical first 24-48 hours
- Cannot relate orders which flow-through
- Insufficient third-party OSS test
- Improper "glue" charges for UNE-Platform
- Performance remedy plan is ineffective and far weaker than New York plan due to extremely low "per occurrence" remedy amounts (as well as additional leniency from misguided statistical methods)
- No performance reporting, standards or remedies for change management
- Key Bell ordering and trouble handling interfaces not available for much of the night
- Bell requested that competitors not send orders when Bell system is unavailable, or orders may get lost

January 26, 2000